

REMARKS

The October 5, 2006 Office Action the Examiner noted that claims 1-23 were pending in the application; objected to claim 7; rejected claims 1, 3, 11-18 and 21-23 under 35 USC § 102(e); and rejected claims 2, 4-10, 19 and 20 under 35 USC § 103(a). In accordance with the foregoing, claims 1 and 20-23 have been amended, and new claim 24 has been added. No new matter has been presented. Thus, claims 1-24 are pending and under consideration. The rejections are traversed below, and reconsideration of all claims is respectfully requested.

Objection to Claim 7

In items 1 on page 2 of the Office Action the Examiner objected to claim 7 due to a grammatical error. By this Amendment, claim 7 has been amended as suggested by the Examiner. Therefore, the Applicant respectfully requests withdrawal of the objection.

Rejections under 35 USC § 102

In item 1 on pages 3-6 of the Office Action, claims 1, 3, 11-18 and 21-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0235155 by Boivie et al. (hereinafter referred to as "Boivie"). The Applicants respectfully traverse the Examiner's rejections of these claims, as amended.

The Office Action, on pages 3 and 4, cited paragraph [0042] of Boivie as anticipating "computing an evaluation value ... based on bandwidth, a communications cost and a physical distance" as recited in original claim 1 at lines 4-5. As amended, claim 1 recites

a route evaluation table storing section information ... including at least one of an identification code, a bandwidth, a communications cost, a physical distance, a use priority of a storage unit and a use priority of the section

at lines 6-9, as providing details of how "computing an evaluation value" (claim 1, line 4) occurs. Paragraph [0042], on the other hand, merely disclosed what may be possible; *i.e.* "metrics other than distance may be useful ... such as network bandwidth, reliability or noise of the intercommunication links or the current traffic activity ... or network legs" at lines 4-9. Nothing has been cited or found in Boivie that teaches or suggests a route evaluation table, as recited in claim 1.

Therefore, it is submitted that claim 1, as well as claims 3 and 11-18 which depend therefrom and recite additional patentably distinguishable features, patentably distinguish over Boivie.

Independent claim 21 recites a computer-readable storage medium storing a route evaluation table at lines 7-11. It is submitted, for the reasons given above, that claim 21 is patentably distinguishable over Boivie.

Independent apparatus claim 22 recites a route evaluation table at lines 7-10. It is submitted, for the reasons given above, that claim 22 is patentably distinguishable over Boivie.

Independent apparatus claim 23 recites a route evaluation table at lines 6-10. It is submitted, for the reasons given above, that claim 23 is patentably distinguishable over Boivie.

Rejections under 35 USC § 103

In item 1 on pages 7-8 of the Office Action claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Boivie in view of U.S. Patent Publication No. 2004/0008691 by Winter et al. (hereinafter referred to as "Winter"). The Applicant respectfully traverses this rejection.

Claim 2 incorporates all the limitations of claim 1 by reference. Nothing was cited or found in Winter that suggests modification of Boivie to overcome its deficiencies discussed above with respect to claim 1. Therefore, it is submitted that claim 2 patentably distinguishes over the prior art for the reasons discussed above.

In item 3 on pages 8-12 of the Office Action claims 4-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boivie in view of U.S. Patent No. 6,865,643, issued to Baxter III (hereinafter referred to as "Baxter"). The Applicant respectfully traverses these rejections.

Claims 4-10 incorporate all the limitations of claim 1 by reference. Nothing was cited or found in Baxter that suggests modification of Boivie to overcome its deficiencies discussed above with respect to claim 1. Therefore, it is submitted that claims 4-10 are patentably distinguishable over the prior art for the reasons discussed above.

In item 11 on pages 12-13 of the Office Action the Examiner rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Boivie in view of U.S. Patent No. 6,606,694, issued to Carteau (hereinafter referred to as "Carteau"). The Applicant respectfully traverses these rejections.

Claims 19 and 20 incorporate all the limitations of claim 1 by reference. Nothing was cited or found in Carteau that suggests modification of Boivie to overcome its deficiencies discussed above with respect to claim 1. Therefore, it is submitted that claims 19 and 20 are patentably distinguishable over the prior for the reasons discussed above.

New Claim 24

New claim 24 recites "selecting storage units based on an identification code, a bandwidth, a communications cost, a physical distance and a use priority of a storage unit" at lines 2-3. Thus, new claim 24 distinguishes over the cited prior art because selecting storage units is based on five factors (identification code, bandwidth, communication cost, physical distance, and use priority of a storage unit) and not on only a single factor, as in Boivie.

Therefore, the Applicants respectfully submit that new claim 24 patentably distinguishes over the prior art.

Summary

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: January 5, 2006

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